

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: TIMOTHY R. SCHWARTZ
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MAR 19 1997 **WRITTEN OPINION**

(PCT Rule 66)

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DATE: 3.18.97

TIME: 11:30 am

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(day/month/year)

13 MAR 1997

Applicant's or agent's file reference

70570195XPCT 7057001-95X PCT

REPLY DUE

within TWO months
from the above date of mailing

International application No.

PCT/US96/03302

International filing date (day/month/year)

19 MARCH 1996

Priority date (day/month/year)

31 MARCH 1995

International Patent Classification (IPC) or both national classification and IPC
Please See Supplemental Sheet.

Applicant

MATYJASZEWSKI, KRZYSZTOF

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DATE: 3.20.97

TIME: 3:00 pm

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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DATE: 3-17-97

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MAR 17 1997

OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, P.C.

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 31 JULY 1997

Name and mailing address of the IPEA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

JEFFREY T. SMITH

Telephone No. (703) 308-2351

I. Basis of the opinion

1. This opinion has been drawn on the basis of (*Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".*):

☒ the international application as originally filed.

☒ the description, pages 1-98, as originally filed.

pages NONE, filed with the demand.

pages NONE, filed with the letter of _____.

☒ the claims, Nos. 1-20, as originally filed.

Nos. NONE, as amended under Article 19.

Nos. NONE, filed with the demand.

Nos. NONE, filed with the letter of _____.

☒ the drawings, sheets/fig 1-18, as originally filed.

sheets/fig NONE, filed with the demand.

sheets/fig NONE, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☒ the description, pages NONE

☒ the claims, Nos. NONE

☒ the drawings, sheets/fig NONE

3. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the ~~Supplemental Box~~ Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The question whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

☐ the entire international application.

☒ claims Nos. 15-20

because:

☐ the said international application, or the said claim Nos. _ relate to the following subject matter which does not require international preliminary examination (*specify*).

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 15-20 are so unclear that no meaningful opinion could be formed (*specify*).

Claims 15-20 are indefinite, not properly defined according to PCT Rule 6.4, because the structural formula(s) which define the invention is/are indefinite. It cannot be determined whether the formula (claim 15) represents one or three different polymers. Furthermore, the repeating group of line 3 of the formula is indefinite because the determination as to the repeating functionality is not defined.

☐ the claims, or said claims Nos. _ are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 15-20.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. STATEMENT**

Novelty (N)	Claims	<u>NONE</u>	YES
	Claims	<u>1-14</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-14</u>	NO
Industrial Applicability (IA)	Claims	<u>1-14</u>	YES
	Claims	<u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claim 1-14 lack novelty and an inventive step under PCT Articles 33(2) and 33(3) as being obvious over MARDARE et al.

MARDARE et al. discloses a process for group transfer polymerization wherein the includes an initiator having a radically transferable group and polymerizable monomers which fall within the scope of the claimed invention (see columns 3-7). MARDARE et al. discloses several species of initiators and monomers which fall within the scope of the claimed invention. The selection of any of these monomers and initiators would be obvious to one of ordinary skill in the art because MARDARE et al. discloses the suitability of all the components in free radical polymerization processes.

_____ NEW CITATIONS _____
NONE

WRITTEN OPINION

International application No.

PCT/US96/03302

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

<u>Application No. Patent No.</u>	<u>Publication Date (day/month/year)</u>	<u>Filing Date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
US, A, 5,470,928	28 NOVEMBER 1995	31 JANUARY 1995	NONE

2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>
_____	_____	_____

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:
IPC(6): C08F 297/00, 4/40, 4/44 and US Cl.: 525/272, 267, 276, 280, 302, 308, 314; 526/145, 147, 172, 183, 250, 255, 259, 319, 329.7, 335